



Surrey Fire Service Attendance Management Program

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INTRODUCTION

As part of our commitment to excellence in delivering a public service, we are committed to improving ourselves and implementing best practices. As an organization we are committed to evaluating our performance and holding each other accountable to ensure we are providing the best possible service to the citizens of Surrey. This requires a high level of commitment and dedication to what is in the best interest of the organization and the public we serve. The Attendance Management Program assists our organization in providing excellent service and is in keeping with the values of our organization.

The Attendance Management Program (AMP) was developed with input from the Surrey Fire Fighters Association Local 1271, City of Surrey Human Resources and Surrey Fire Service through the labour/management process. It is designed to promote and achieve high standards of attendance from all employees and must be administered in a fair and consistent manner with consideration to both the department and the members. It is incumbent upon all of us to understand the substance of this program and to fulfill our duties as described in the Professional Standards Manual.

The AMP is built on the principle that members are responsible for attending to work on time, for each scheduled workday. Employees of the Surrey Fire Service provide a valuable service to the community, which places its trust in us to deliver the service in a manner that conforms to our values. Members are responsible for complying with department policy regarding the reporting of absences. If a member is unable to work a scheduled shift, he/she must inform the employer, providing as much notice as possible.

Surrey Fire Service recognizes there are occasions where attendance is not possible and is beyond the control of the member. However, it is the member's responsibility to inform their employer in a timely manner and in accordance with established procedures. Personal affairs should be attended to outside of normal working hours, and members are expected to ensure that personal matters do not keep them from attending work. The employer is obligated to take appropriate action when a member fails to meet his or her employment obligations of regular attendance, and/or when his or her absenteeism exceeds acceptable levels.

The City of Surrey and the Surrey Fire Service recognize the vital contribution each member makes to the success of fulfilling our operational responsibilities. Failure to attend work can have a significant negative impact upon our success through lost production, replacement wages and benefits, disrupting of daily operations, and additional training costs. Therefore, the Surrey Fire Service has a right to expect regular and consistent attendance from all of its members.

The Program is not intended to be punitive, but is designed to assist members with high levels of absenteeism to reduce the absences to acceptable levels. Surrey Fire Fighters Association L1271 recognizes that sickness has a direct financial impact on its members. Therefore the members of L1271 have a vested interest in reducing absenteeism and participating in the Attendance Management Program.

The Surrey Fire Service Attendance Management Program reflects best practices utilized in other workplaces and conforms to BC labour laws and arbitral jurisprudence. We are not expecting more from our members than what the public would reasonably expect.

1) OBJECTIVES OF THE PROGRAM

- Promote and achieve high standards of attendance by reducing absenteeism.
- Reduce cost and disruption to operations.
- Establish a consistency in our approach to absenteeism within each Division.
- Define the roles and responsibilities of management with respect to attendance management.
- Recognize members that have perfect attendance.
- Develop a workplace culture where members realize:
 - They are important to our operation.
 - They are required to be at work, on time and in a fit condition.
 - Regular and consistent attendance is expected and required.
 - They are responsible for knowing the content of the Attendance Management Program and the related policies regarding absences.
 - They take responsibility for absences that can be avoided.
 - Unacceptable absenteeism will not be tolerated and will be addressed with supportive and/or corrective action.
 - The sick leave provision is an unfunded insurance plan.
 - The employer will provide assistance to help members improve their attendance.
 - The employer will provide assistance where possible to help members get access to health care.

2) MEMBER RESPONSIBILITIES

All members are responsible for knowing the content of the Attendance Management Program and the related Operational Guidelines and policies.

Members who have been absent due to injury or illness and recover enough so they can perform either regular or alternate duties must notify the employer and make arrangements for a work schedule and assignments. For both occupational and non-occupational illness and injury, the onus lies with members to inform the employer of their availability for regular or alternate duties.

3) NON-CULPABLE ABSENTEEISM

In general, innocent absenteeism cannot be grounds for discipline, as it would be unfair to punish someone for conduct that is beyond their control and not their fault. However, an employee may be terminated where absences have been recurrent and so extensive over time that they disrupt the employment relationship. The labour law in this area is well established and is explained in the italics below:

“The first basic principle is that innocent absenteeism cannot be grounds for discipline, in the sense of punishment for blameworthy conduct. However, arbitrators have agreed that, in certain very serious situations, extremely excessive absenteeism may warrant termination of the employment relationship, thus discharge in a non-punitive sense.” (Brown & Beatty)

The basic rationale behind such thinking is that the employment relationship is contractual and the employer has a right to expect reasonable attendance and performance of work duties for which they are paying. The Department must have members who show up for work on a regular and consistent basis in order for it to protect its own interests.

In consideration of the above, arbitrators have ruled that after a certain stage is reached and where the employer can show that:

- A member’s absences have undermined the employment relationship or caused it to be irreparably and fundamentally breached,
- The member’s attendance is excessive relative to established standards (the Departmental average), and
- The member’s absences are disruptive to the efficient operation of the organization,

then it can be reasonably determined that the member is incapable of regular attendance in the future, and, where subject to provisions in the Collective Agreement, an employee could be terminated in a non-disciplinary sense.

4) THE PROCESS

Surrey Fire Service has demonstrated since 2001 that high standards of attendance can be achieved through active management involvement and constant attention. Through accurate record keeping, review of employee attendance profiles, positive counseling interviews, reinforcement of member responsibilities, and offers of assistance, it is believed that positive change will occur in most of the circumstances. This positively impacts the efficiency of our Department.

- The absenteeism of all members is reviewed on an annual basis in January, and a list is completed of members who exceed acceptable levels within their Division. The members’ level of absenteeism will be measured against the Absenteeism Chart in this document.

- In situations when a member's absenteeism is found to be the result of culpable behaviour, it will be dealt with as a disciplinary manner, separate from the Attendance Management Program.
- Members whose absenteeism exceeds the departmental thresholds due to a single extended absence resulting from a serious medical health issue may be exempt from the application of this policy.
- The list will be discussed with a Local 1271 representative so that the Union is fully aware of the reasoning for those who have been added to or removed from the list.
- Absenteeism Awareness Notices are sent as the first step to members placed on the list with Local 1271 knowledge.
- Counseling meetings will commence at the second step; however, members who have previously received counseling could commence with counseling at the first step if reentered into the program.
- The employer will meet with new members that are exhibiting a high level of absenteeism and offer support to assist the member. It is expected early intervention and support will reduce the likelihood of new members entering into the Attendance Management Program.
- Occasionally, members will require immediate counseling rather than waiting for the scheduled sessions. Notification of the reason for immediate counseling will be communicated to a Local 1271 representative. These counseling sessions may be of a culpable or non-culpable nature. As stated, this policy is meant only as a guide and is not intended to dissuade the employer from taking immediate appropriate action when warranted.
- As noted in this document, members will receive formal documentation confirming the content of their counseling session.
- The number of years a member exceeds the absenteeism per the Absenteeism Chart in this report will equal the number of years they are required to demonstrate regular and consistent attendance to have their name removed from the list. In all cases, the minimum time spent in the program is one year.
- A member's attendance forms part of his/her personnel record and will remain on file for his or her entire career. All unscheduled absenteeism, such as sickness, WCB, and family days, will form part of the overall attendance record and be taken into consideration when reviewing the file of a member with chronic absenteeism.

5) DOCTOR'S CERTIFICATES

Once a member has been counseled for exceeding the threshold for a second year, he/she is required to present a doctor's certificate upon returning to work for each and every absence due to injury or illness. Failure of a member to provide the Battalion Chief's office with a doctor's certificate to confirm a valid reason for the absence within seven calendar days of returning to work may be cause for disciplinary action, including loss of pay. The requirement remains in effect until the member's name has been removed from the list. The doctor's certificate must provide confirmation of a medical reason for the member's absence from

work, the dates the member was unable to work, and any restrictions or limitations that may exist. The *member* is responsible for any associated costs with obtaining the medical certificate. A sample doctor's note may be found later in this report and is available on the intranet under: Fire Service > Administration > Fire Department Forms.

Members who exit the AMP and subsequently re-enter the program within two years are required to produce a doctor's note for absences until they exit the program.

Members experiencing an extended absence may be required to obtain a doctor's certificate to support their continued absence. In this case the *employer* is responsible for the costs of obtaining the medical certificate.

In circumstances when a doctor's certificate is required to validate a member is fit to return to potentially strenuous or physically demanding work, he or she will not be allowed to return to work until he or she has provided the certificate to the Department. The *employer* is responsible for the costs of obtaining the medical certificate and for notifying the member when a doctor's certificate is required, unless otherwise stated in the AMP guidelines.

When a member has exited the AMP, he or she no longer is required to provide a doctor's certificate for every absence.

6) REOCCURRING INJURIES OR ILLNESSES & PATTERNS

The employer may meet with members whose absenteeism is due to similar or reoccurring conditions. The employer will offer assistance and the member will be expected to accept responsibility for trying to improve his or her attendance. In addition, the employer will meet with members exhibiting absenteeism that forms a pattern. Absences that are reoccurring or follow patterns may be treated as culpable or non-culpable, depending on the individual circumstances of each case.

7) RECURRING ILLNESS DEFINITION

Absences from work that carry over from one calendar year to the next will be considered to have occurred in the year in which the absence began. When a member has returned to work from an illness or injury and subsequently is absent again for a reason that a physician deems is an extension of the earlier injury or illness, and that is satisfactory to the Union and the City, the second or further absences will not be considered as a new occurrence.

8) IMPROVED ATTENDANCE

Members who are in the AMP and have a year of attendance below the AMP threshold will receive a letter acknowledging the improvement and describing their status within the program.

9) PERFECT ATTENDANCE

Members who achieve a year of perfect attendance will be formally acknowledged with a letter of recognition from the Fire Chief, a copy of which will be placed in their personnel file.

To achieve perfect attendance, an employee is at work every scheduled workday for the entire year. There are a few exceptions; for example, if a member missed work because of jury duty, bereavement leave, union time off, employer-authorized training, family leave, compassionate care leave, vacation or unpaid leave during the Christmas shutdown, gratuity days and/or banked time off, he/she still has perfect attendance for the year.

10) COUNSELING GUIDELINES

The following provides guidelines for the Attendance Management Program. These steps are intended to increase the members' awareness of the importance of regular attendance and to help them. They are not intended to imply that termination will be automatic after a member has received an Awareness Notice and additionally been counseled three times. For example, if the absenteeism is severe enough, the member might be terminated after fewer meetings; or if progress is achieved for a period of time prior to returning to very serious absenteeism, the member might be terminated after more than three meetings. The 'three counseling sessions' is simply a guideline.

This policy was drafted with regular full-time members in mind. Members who are not scheduled for full-time hours over the year cannot be compared to those who are. Part-time members working less than full-time hours are expected to have less absenteeism.

Each member's level of absenteeism will be measured against the Absenteeism Chart in this document for "Shifts/Occurrences Absent". If the member exceeds the acceptable levels, he/she will either be added to or remain on the "awareness/counseling" list and will receive an Awareness Notice or be scheduled for counseling. Counseling for innocent absenteeism will be non-disciplinary in nature.

The intention of the counseling meetings is to make the employee aware of his/her high level of absenteeism, emphasize the importance of regular attendance, and provide encouragement/assistance to attend work on a regular basis. The counseling interview is an

integral part of the program and focuses upon rehabilitation, with consideration for both the welfare of the member and the Department. The process enables the employer to:

- Make the member aware of his/her attendance and the effect his/her absences have on other members and to the Department's operations.
- Ask what the member is doing to address the issue.
- Ask if the member is seeking proper medical aid or assistance through other means such as MFAP (Member Family Assistance Program), or a medical specialist.
- Determine if the member wants the employer's assistance.
- Advise the member that his/her attendance is actively being monitored.
- Advise the member that a doctor's certificate is required for each and every future absence while they are in the Attendance Management Program.

The intent of counseling is to have members recognize their absenteeism is a problem and that they must take responsibility to ensure their absences meet an acceptable standard. The sessions are also intended to determine if the employer can provide any assistance.

11) AWARENESS NOTICE/COUNSELING SESSIONS

As a general guideline:

1st STEP – ABSENTEEISM AWARENESS NOTIFICATION

The Awareness Notification is intended to make members aware their recent attendance exceeds the threshold in the AMP. Although a letter is not placed in the members' files, their overall attendance and enrolment in the AMP forms part of their personnel record.

2nd STEP – 1st COUNSELING – (Exempt Chief)

A counseling interview will be scheduled if a member's absenteeism continues to meet or exceed the shifts/occurrences per the Absenteeism Charts in this document.

A Union Representative must be present at all counseling steps. The counseling interview is to be conducted as a "heart-to-heart" or advisory interview.

Items to be covered:

- Review attendance record with member, identifying the problem, the patterns/occasions.
- Emphasize the Department's concern and non-disciplinary nature of the interview.
- Ask for reasons, listen to the member's explanation, offer assistance where appropriate.

- Review the Department’s policy on absenteeism, emphasizing:
 - Requirement for regular attendance
 - City’s right to expect regular attendance
 - Member’s responsibility to attend work regularly
 - Absenteeism above his/her peers average
 - Disruptive to efficient operation of the Department
 - The employer is willing to provide assistance
- Emphasize that their record of attendance is unacceptable and that the employer expects an immediate and lasting improvement.
- Offer/recommend services of MFAP (Member Family Assistance Program) if appropriate.
- Advise member that his or her attendance record will continue to be monitored and all future absences will require a doctor’s certificate within seven calendar days of their return to work to validate their absence; that failure to provide a doctor’s certificate could be cause for disciplinary action; and that the fee for the certificate is the responsibility of the member.
- Ask for the member’s commitment to improve.
- Inform the member that the employer is recording the fact that the meeting took place and that the employer discussed the member’s attendance record with him/her.

3rd STEP - 2nd COUNSELING – (Exempt Chief)

A second counseling interview will be scheduled if the member’s absenteeism continues to meet or exceed the shifts/occurrences per the Absenteeism Charts in this document.

The counseling session will be generally the same as step 2; however, the member needs to be aware that the need for him/her to improve attendance is becoming more urgent.

The member will again be informed that the employer is recording the fact that the meeting took place and that the employer discussed the member’s attendance record with him/her.

4th STEP – 3rd COUNSELING / FINAL WARNING - (Human Resources Manager & Deputy Chief)

In order to show the member that his/her absenteeism is at a critical juncture and the seriousness of his/her position, the Deputy Chief and the Human Resources Manager will attend the meeting in order. A Union Representative must be present.

The counseling session will be generally the same as step 3; however, the member needs to be aware that the need for him/her to improve attendance is now critical. If the member fails to drastically improve attendance, termination of employment will very likely result, albeit non-disciplinary. This is a final warning.

The member will again be informed that the employer is recording the fact that the meeting took place and that the employer discussed the member’s attendance record with him/her.

5th STEP - TERMINATION - (Human Resources Manager & Deputy Chief)

The Deputy Chief will set up an interview with the member, Human Resources Manager and Union Representative. The member's entire attendance record will be compared to the Absenteeism Charts and the Department average. The member will be advised that his or her failure to show improvement, in light of all warnings and assistance offered, can only lead the Department to conclude there is no prospect for their regular attendance in the foreseeable future.

As a result of this unacceptable attendance record, the Department may consider the employment contract terminated and a letter of termination may be prepared and issued.

11) ABSENTEEISM CHARTS

All members' attendance records will be checked on an annual basis. Once a member has entered the program and is on the list, their attendance may be monitored more frequently. Progression to elevated steps can occur at any time within the immediately following 12 months if the level of absenteeism meets the criteria below.

The following chart will be the usual criteria used for entering and progressing through the steps. If a member's name is enrolled on the list, a minimum 12 months of regular and consistent attendance is required in order to have it removed.

CONSTANT SHIFTS (Two Platoon) INTERRUPTED SHIFTS (4 or 5 Day Work Week)

3 or more occurrences + more than 7 shifts or 5 single occurrences	1st STEP AWARENESS NOTICE
3 or more occurrences + more than 7 shifts or 5 single occurrences	2nd STEP 1st COUNSELING 2nd COMMUNICATION
3 or more occurrences + more than 7 shifts or 5 single occurrences	3rd STEP 2nd COUNSELING 3rd COMMUNICATION
3 or more occurrences + more than 7 shifts or 5 single occurrences	4th STEP 3rd COUNSELING FINAL WARNING 4th COMMUNICATION
3 or more occurrences + more than 7 shifts or 5 single occurrences	TERMINATION

12) SAMPLE MEDICAL NOTE



MEDICAL CERTIFICATE

The City of Surrey Fire Department
8767 - 132nd Street
Surrey, BC V3W 4P1

Alternate duties are available to employees unable to perform their regular duties due to injury or illness.

To be completed by employee:

NAME OF EMPLOYEE: _____

EMPLOYEE #: _____ DEPARTMENT: _____

EMPLOYEE'S JOB TITLE: _____ SHIFT _____

To be completed by physician: The purpose of this document is to determine whether this employee's illness or injury is a debilitating medical condition that prevents the employee from performing their regular or modified duties.

I SAW THIS EMPLOYEE ON: _____ (d/m/y)

NATURE OF ILLNESS/INJURY: _____

SPECIFIC LIMITATIONS/ WORK RESTRICTIONS: _____

IS THE EMPLOYEE ABLE TO PERFORM MODIFIED DUTIES IF THESE RESTRICTIONS ARE ACCOMMODATED?

YES NO

EXPECTED DATE OF RETURN TO WORK: _____ (d/m/y)

RETURN TO WORK FULL DUTIES YES NO

RETURN TO WORK WITH LIMITATIONS (please describe) YES NO

PHYSICIAN'S NAME & ADDRESS

PHYSICIAN'S SIGNATURE

Once completed, please fax the form to the Fire Hall No. 1 at 604-543-6715, attention Assistant Chief.

13) DOCUMENTATION

This section includes the following AMP documents:

- Attendance Management Program Awareness Notice
- Absenteeism – First Counseling – Second Communication
- Absenteeism – Second Counseling – Third Communication
- Absenteeism – Third and Final Counseling – Fourth Communication

RE: Attendance Management Program Awareness Notice

January

Every year the Surrey Fire Service completes a review of its members' absenteeism due to sickness or injury. During the past calendar year your absenteeism has exceeded the minimum as identified in the Attendance Management Program.

We are not questioning the reasons for any of the absences, as we would expect all of the absences to be legitimate. Our goal is to raise your awareness about your recent increase in absenteeism and to emphasize the importance of regular attendance.

Employee absences have a detrimental impact on the Department's ability to provide the service to the public for which we are all responsible for. If there are reasons for your absences that are personal or confidential but that you would like assistance with, we recommend you contact a Member Family Assistance Program team member or a member of the Union Executive.

Given the importance of regular attendance, we encourage you to work towards improving your attendance record and we would be pleased to assist you in achieving such improvement.

We trust this notice will assist you to understand the importance of regular attendance. Your attendance will be monitored for the rest of this year and it is expected there will be an improvement.

We recommend you review the Attendance Management Program Policy located on the intranet and ensure you understand the policy in its entirety.

A copy of this notice will not be placed in your file as it is intended to provide you with awareness regarding your absenteeism.

Date:
Name
Address

File:

Dear-----,

Re: ABSENTEEISM – FIRST COUNSELING - SECOND COMMUNICATION

This letter is non-disciplinary and is to confirm our interview of _____ regarding your record of absenteeism.

Since the awareness notice of _____ advising that you were entered into the Attendance Management Program, you have been absent _____ days on _____ occasions. In the notice you were made aware about your recent increase in absenteeism and the importance of regular attendance.

Your level of absenteeism continues to be unacceptable and is disruptive to the efficient operation of the Department. During our meeting you were again advised that an immediate and lasting improvement in your attendance at work is expected. The Department requires that you review and understand the attached Attendance Management Program Policy. If there are any areas of the program that you do not understand, please contact the signatory.

You are encouraged to make use of the Member Family Assistance Program and/or consult with your doctor in order to address whatever problem(s) may be affecting your ability to attend work regularly.

During the meeting the Department outlined your requirement to commit to attend work regularly, which you (*accepted or refused to accept*). Your attendance will continue to be monitored on an ongoing basis and reviewed with you as required. Further absences will require a doctor's certificate within seven calendar days of your return to work to validate your absence, and failure to provide a doctor's certificate could be cause for disciplinary action. All costs of obtaining a doctor's certificate are the responsibility of the employee.

Deputy Chief

Copy: Human Resources - Attach Employee Attendance Profile to this Memorandum
Fire Chief
Local 1271

Date
Name
Address

File:

Dear-----,

Re: ABSENTEEISM – SECOND COUNSELING - THIRD COMMUNICATION

This letter is non-disciplinary and is to confirm our interview of _____ regarding your record of absenteeism.

At that meeting you were advised that an immediate and lasting improvement in your attendance was expected. Since the first counseling meeting on _____, you have been absent _____ days on _____ occasions.

Your attendance record continues to be unacceptable. Your level of absenteeism is disruptive to the efficient operation of the Department. The Department requires that you review and understand the attached Attendance Management Program Policy. If there are any areas of the program that you do not understand, please contact the signatory.

You are encouraged to make use of the Member Family Assistance Program and/or consult with your doctor in order to address whatever problem(s) may be affecting your ability to attend work regularly.

During the meeting the Department outlined your requirement to commit to attend work regularly, which you (*accepted or refused to accept*). Your attendance will continue to be monitored on an ongoing basis and reviewed with you as required. Further future absences will require a doctor's certificate within seven calendar days of your return to work to validate your absence, and failure to provide a doctor's certificate could be cause for disciplinary action. All costs of obtaining a doctor's certificate are the responsibility of the employee.

Deputy Chief

Copy: Human Resources - Attach Employee Attendance Profile to this Memorandum
Fire Chief
Local 1271

Date
Name
Address

File:

Dear-----,

**Re: ABSENTEEISM - THIRD AND FINAL COUNSELING –
FOURTH COMMUNICATION**

This letter is non-disciplinary and is to confirm our interview of _____ regarding your record of absenteeism.

Since receiving your attendance awareness notice on _____ and following the two counseling meetings, there has not been an acceptable improvement in your attendance at work. Since the last counseling meeting you were absent _____ days on ____ occasions. In all of the counseling meetings you were advised that the City expected an immediate and lasting improvement in your attendance at work.

Your record of absenteeism continues to be completely unacceptable. The Department maintains it has the right to expect regular attendance from its employees and advises that you are not fulfilling your part of the employee/employer contract.

At this time you are formally being offered the services of the Member Family Assistance Program. Further, if there is any underlying cause that may be affecting your ability to attend work regularly, then we ask that you advise us at this time. In our meeting, you (*committed to attend work regularly*) (*refused to accept responsibility for your absenteeism*). All future absences will require a doctor's certificate within seven calendar days of your return to work to validate your absence; failure to provide a doctor's certificate could be cause for disciplinary action. All costs of obtaining a doctor's certificate will be the responsibility of the employee.

Surrey Fire Service cannot stress enough the seriousness of your employment status. You are hereby advised that this is your FINAL WARNING. Failure to show an immediate and lasting improvement in your attendance at work (*may*) (*will*) result in the termination of your employment, albeit for non-disciplinary reasons.

Deputy Chief

Copy: Human Resources - Attach Employee Attendance Profile to this copy
Fire Chief
Local 1271

